

Mayor
Ricky Waring

Council Members:
Bob Jackson
Walter Bailey
Aaron Brown
Christine Czarnik
Kima Garten-Schmidt
William McIntosh



Town Administrator
Rebecca Vance

Town Clerk
Beth Messervy

Town Attorney
G.W. Parker

Town of Summerville

COUNCIL MEETING MINUTES September 10, 2020

ATTENDANCE

Present: Mayor Ricky Waring, Councilmembers Kima Garten-Schmidt, Terry Jenkins, Walter Bailey, Aaron Brown, Bob Jackson and Bill McIntosh. A quorum was met. Several staff members were present. Public and press were duly notified. The meeting was held in-person in Council Chambers.

CALL TO ORDER

The regular monthly meeting of Summerville Town Council was called to order at 6:00pm on Thursday, September 10, 2020 by Mayor Waring. The meeting was opened with prayer led by Councilmember Kima Garten-Schmidt, followed by the Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. Jackson made a motion, seconded by Mr. Jenkins, to approve the combined minutes of the Town Council meeting on August 13, 2020; the Standing Committee meetings on August 13, 2020; the Special Called Council Meeting on September 2, 2020; and the Standing Committee meetings on September 8, 2020. The motion carried unanimously, and the minutes were accepted into record.

AGENDA CHANGE:

Mr. Jenkins made a motion, seconded by Mr. Bailey, to move item 8e (emergency ordinance regarding face mask coverings) to the beginning of the agenda, directly following public comment for items on the agenda. The motion carried unanimously.

PUBLIC COMMENT *(Items on the September 10, 2020 agenda only)*

Mayor Ricky Waring opened the floor for public comments.

Public comments for the meeting were accepted via email. Public comment was also open to members of the public who attended the meeting in person.

Joel Arenson spoke on behalf of the residents of Del Webb Nexton. He expressed his concern with an item in the Development Agreement for the HIC, LLC land near his subdivision. He would like the notation for the buffer to reflect “in a natural state.”

Angela Meinke spoke against the ordinance requiring face masks. She is concerned about the future of small businesses while still implementing the ordinance.

Amy Lima spoke against the ordinance requiring face masks. She presented scientific research in support of masks not being effective.

Diane Frankenberger spoke in favor of the ordinance requiring face masks. She stated that while she does not like wearing a mask, she is in favor of the ordinance because it has kept her employees and her customers safe.

Will Barton spoke against the ordinance requiring face masks. He stated that he was intentionally breaking the ordinance by not wearing a mask to the meeting. His concern is with people who cannot wear masks due to anxiety and panic.

Dr. McNabb spoke against the ordinance requiring face masks. She stated that she does not trust the science behind the requirement for face coverings. She expressed her concern with the mandate heightening a fear in citizens.

Hope Koestner spoke against the ordinance requiring face masks. She stated that she suffers from severe anxiety and cannot wear a mask. She expressed her concern with being harassed from businesses because she cannot wear one.

David Neal spoke against the ordinance requiring face masks. He stated that doctors are speaking out against the face masks. He also stated that if the Town is not in a state of emergency, then the mandate is null and void.

Amber Walczuk spoke against the ordinance requiring face masks. She explained the science behind why masks should not be required. She stated that her 14th Amendment rights were being violated.

Elizabeth Udy spoke against the ordinance requiring face masks. She stated that the mask issue is dividing the community.

Erica Malachowski spoke against the ordinance requiring face masks. She stated that the mask mandate was rushed, and that it is dividing the community.

Kelly Johnson spoke against the ordinance requiring face masks. She expressed her concern with the harassment of citizens who cannot wear face coverings due to health reasons.

Laura Blanz spoke against the ordinance requiring face masks. She expressed her concerns with Town Council making decisions without looking at the scientific facts that show masks are ineffective.

Corey Allen spoke against the ordinance requiring face masks. He stated that the mandate is a law that cannot be universally enforced. He stated that businesses in the Town are losing business due to the ordinance.

Rik Blanz spoke against the ordinance requiring face masks. He stated that DHEC is misrepresenting the number of positive cases and that the ordinance is setting a dangerous precedent.

CJ Westfall spoke against the ordinance requiring face masks. He stated that business owners are facing burdens due to the ordinance. He also stated that the Town should do away with business license fees.

A woman speaking on behalf of Tom Joint spoke against the ordinance requiring face masks. She stated that the small businesses are suffering because of the ordinance. She also expressed her concern with the elderly being harmed by the mandate.

Dayna Paul spoke against the ordinance requiring face masks. She stated that she stands for the freedom to choose whether or not to wear a mask.

Michael McPherson spoke against the ordinance requiring face masks. He stated that the virus is being pushed by fear and that people should use common sense when they are sick.

The Town Clerk then read the public comments received via email for items on the September 10, 2020 Council agenda. The emails are now public record.

There being no further comments, Mayor Ricky Waring closed the public comment portion of the meeting.

EMERGENCY ORDINANCE REGARDING FACE MASK COVERINGS:

This item (8e) was moved from its original position at the end of the agenda. Mr. McIntosh made a motion, seconded by Mr. Jenkins, to approve a temporary ordinance requiring individuals to wear face coverings in certain circumstances in the Town of Summerville.

Mr. McIntosh then made a motion, seconded by Mr. Bailey, to amend the ordinance to change the expiration date from October 8, 2020 to September 30, 2020. Some discussion followed.

Mr. McIntosh addressed a sudden outburst by the audience, stating that it is inappropriate for any audience member to attack any Councilmember. Mayor Ricky Waring told the audience to refrain from such activity.

More discussion about the ordinance and amendment followed.

On the motion to amend the ordinance to reflect an expiration date of September 30, 2020, the motion passed 6-1 with Mr. Brown voting in opposition.

The original motion as amended carried unanimously.

PETITIONS:

Mr. Brown made a motion, seconded by Mr. Jenkins, to approve first reading of an ordinance to annex Berkeley County TMS# 232-00-02-179 and Dorchester County TMS# 138-00-00-036 (approximately 4.70 acres total) located on Berlin G. Myers Pkwy.; currently zoned GC, General Commercial, in Berkeley County and CG, General Commercial, in Dorchester County, and will be zoned G-B, General Business, upon annexation into the Town of Summerville's municipal limits. (Council District 1). The motion carried unanimously.

PENDING BILLS AND RESOLUTIONS

Mr. Brown made a motion, seconded by Mr. Jenkins, to approve second and final reading of an ordinance to rezone TMS #144-04-13-013, located at 411 Golf Road, approximately .88 acres, and owned by Melissa and Clinton Avery from GR-2 General Residential, to N-R Neighborhood Residential. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. Bailey, to postpone the second and final reading of the following items until the October 8, 2020 Council meeting or to an earlier scheduled Special Called meeting:

- 1) Ordinance to annex Berkeley County TMS# 208-00-02-013 (approximately 973 acres) located off of the Nexton Parkway Interchange and Linda Way,

currently zoned HI, Heavy Industrial, and Flex1, Agricultural, in Berkeley County and will be zoned PUD, Planned Development District, upon annexation into the Town of Summerville's municipal limits.

- 2) To approve a Proposed Development Agreement for HIC LAND, LLC (Whitfield Tract) or its successor in title and authorizing the execution and delivery of a Development Agreement and other instruments including the implementation of a Planned Unit Development document relating thereto by and between the Town of Summerville and HIC LAND, LLC– Berkeley County TMS# 208-00-02-013 for a total of 973 acres.

The motion to postpone carried unanimously.

INTRODUCTION OF BILLS AND RESOLUTIONS:

Mr. Jenkins made a motion, seconded by Mr. Jackson, to approve first reading of an ordinance to adopt the Comprehensive Plan Update: "Summerville: Our Town, Our Future." Some discussion followed. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Jenkins, to approve first reading of an ordinance to amend the Summerville Unified Development Ordinance, Chapter 8, Section 8.7.4, Maintenance. The motion carried unanimously.

MISCELLANEOUS

Mr. Bailey made a motion, seconded by Mr. McIntosh, to discuss item 8a, consideration of a lease with Summerville Commissioners of Public Works, in Executive Session. The motion carried.

Mr. Jenkins made a motion, seconded by Mr. Jackson, to approve the creation of a new position of Traffic Engineer in the Public Works Department. Some discussion followed regarding how the position would be funded. Mr. Bailey made a motion, seconded by Mr. McIntosh, to table items 8b (Traffic Engineer position) and 8c (amendment of the Town of Summerville Organizational Chart). The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Bailey, to approve an emergency ordinance to temporarily amend Town Ordinances, Sections 2-94 and 2-95 to provide that Council Meetings, Town Committees, Boards and Commissions be allowed meet electronically/telephonically and obtain a Quorum by counting a member(s) attending by electronic and/or telephonic means. The motion carried 6-1 with Mr. McIntosh voting in opposition.

PUBLIC COMMENT (OPEN)

Public comments for the meeting were accepted via email, as well as in person. Ms. Messervy read the public comments received, and the emails became public record. There were no in-person comments.

EXECUTIVE SESSION

Mr. Jenkins made a motion, seconded by Mr. Jackson, to enter into Executive Session to discuss contractual matters related to the consideration of a lease with Summerville Commissioners of Public Works. The motion carried, and Council entered into Executive Session at 8:33pm.

OTHER BUSINESS

Council returned from Executive Session at 8:49pm. Town Attorney GW Parker reported that no action was taken on contractual matters related to the consideration of a lease with Summerville Commissioners of Public Works.

ADJOURN

There being no further business, the meeting adjourned at 8:50pm on motion of Mr. Jenkins, seconded by Mr. Brown.

Respectfully Submitted,

APPROVED:

Beth Messervy, Town Clerk

Ricky Waring, Mayor